

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 2-4, 6-11 and 33-34 are pending in this application. Claims 2 and 6 are the independent claims and claims 33-34 are new claims.

Objection to the Title

The title of the invention stands objected to for not being descriptive. Following the Examiner's suggestions, Applicants have amended the title. Therefore, Applicants respectfully request that this objection be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 2-4 and 6-11

Claims 2-4 and 6-11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection for the reasons detailed below.

To expedite prosecution and without conceding to the Examiner's positions, Applicants have amended the claims to clarify the claimed subject matter. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 112 be withdrawn.

Rejections under 35 U.S.C. § 102

Claim 2

Claim 2 stands rejected under 35 U.S.C. § 102(b) as anticipated by Endoh et al. (WO 00/44059). Applicants respectfully traverse this rejection for the reasons detailed below.

To expedite prosecution and without conceding to the Examiner's positions, Applicants have amended claim 2 to recite, inter alia, "the metal sheet **having an outer periphery bent in one of a U shape and a V shape.**" At least these limitations are not anticipated or rendered obvious by the cited art.

On page 5 of the Office Action dated October 26, 2010, the Examiner uses reference numeral 2, of FIGS. 1 and 2 of Endoh to meet "the metal sheet" as recited in claim 2. Yet, FIGS. 1 and 2 of Endoh illustrates two straight metal substrates that are formed in parallel to each other. Accordingly, the metal layers in Endoh are straight metal sheets, and cannot meet "the metal sheet **having an outer periphery bent in one of a U shape and a V shape.**" as recited in amended claim 2.

In view of the above, Applicants submit that Endoh fails to anticipate or render obvious each and every limitation as recited in amended claim 2, and therefore claim 2 is allowable.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 102(b) be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 3-4

Claims 3-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Endoh et al. (WO 00/44059), as applied to claim 2 above, and further in view of Koretomo et al. (JP 2001-357859). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use Koretomo to teach or suggest the features as discussed above with respect to claim 2, nor does Koretomo provide such teachings. Accordingly, Applicants submit that Koretomo fails to cure the deficiencies as discussed above. Because Endoh in view of Koretomo fails to teach, suggest or render

obvious each and every element of independent claim 2 and cannot be combined to do so, these references cannot anticipate or render obvious independent claim 2. Thus, claims 3-4 are allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

Claims 6-7

Claims 6-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Endoh et al. (WO 00/44059) in view of Koretomo et al. (JP 2001-357859). Applicants respectfully traverse this rejection for the reasons detailed below.

To expedite prosecution and without conceding to the Examiner's positions, Applicants have amended claim 6 to recite, inter alia, "the metal sheet **having an outer periphery bent in one of a U shape and a V shape.**" At least these limitations are not disclosed, suggested or rendered obvious by any combination of the cited art.

On page 5 of the Office Action dated October 26, 2010, the Examiner uses reference numeral 2, of FIGS. 1 and 2 of Endoh to meet "the metal sheet" as recited in claim 6. Yet, FIGS. 1 and 2 of Endoh illustrates two straight metal substrates that are formed in parallel to each other. Accordingly, the metal layers in Endoh are straight metal sheets, and cannot meet "the metal sheet **having an outer periphery bent in one of a U shape and a V shape.**" as recited in amended claim 6.

The Examiner does not use Koretomo to teach or suggest the features as discussed above with respect to claim 6, nor does Koretomo provide such teachings. Accordingly, Applicants submit that Koretomo fails to cure the deficiencies as discussed above. Because Endoh in view of Koretomo fails to teach, suggest or render obvious each and every element of independent claim 6 and cannot be combined to do so, these references cannot anticipate or render obvious independent claim 6.

Therefore, claim 6 is allowable and claim 7 is allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

Claims 8-9

Claims 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Endoh et al. (WO 00/44059), as applied to claim 2 above, and further in view of Kaneko et al. (US 6,383,678). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use Kaneko to teach or suggest the features as discussed above with respect to claim 2, nor does Kaneko provide such teachings. Accordingly, Applicants submit that Kaneko fails to cure the deficiencies as discussed above. Because Endoh in view of Kaneko fails to teach, suggest or render obvious each and every element of independent claim 2 and cannot be combined to do so, these references cannot anticipate or render obvious independent claim 2. Thus, claims 8-9 are allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

Claim 10

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Endoh et al. (WO 00/44059), as applied to claim 9 above, and further in view of Katsutoshi et al. (JP 2003-217611). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use Katsutoshi to teach or suggest the features as discussed above with respect to claim 2, nor does Katsutoshi provide such teachings. Accordingly, Applicants submit that Katsutoshi fails to cure the deficiencies as discussed above. Because Endoh in view of Katsutoshi fails to teach, suggest or render obvious each and every element of independent claim 2 and cannot be combined to do so, these references cannot anticipate or render obvious independent claim 2. Thus, claim 10 is allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

Claim 11

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Endoh et al. (WO 00/44059) and Kaneko et al. (US 6,383,678), as applied to claim 8 above, and further in view of Blunk et al. (US 2003/0096151). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use Kaneko or Blunk to teach or suggest the features as discussed above with respect to claim 2, nor does Kaneko or Blunk provide such teachings. Accordingly, Applicants submit that Kaneko and/or Blunk fail to cure the deficiencies as discussed above. Because Endoh in view of Kaneko and Blunk fails to teach, suggest or render obvious each and every element of independent claim 2 and cannot be combined to do so, these references cannot anticipate or render obvious independent claim 2. Thus, claim 11 is allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

Claims 8 and 11

Claims 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Endoh et al. (WO 00/44059), as applied to claim 2 above, and further in view of Blunk et al. (US 2003/0096151). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use Blunk to teach or suggest the features as discussed above with respect to claim 2, nor does Blunk provide such teachings. Accordingly, Applicants submit that Blunk fails to cure the deficiencies as discussed above. Because Endoh in view of Blunk fails to teach, suggest or render obvious each and every element of independent claim 2 and cannot be combined to do so, these references cannot anticipate or render obvious independent claim 2. Thus, claims 8 and 11 are allowable at least for depending from an allowable base claim.

Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

New Claims

Claims 33-34

New claims 33-34 recite, inter alia, “the metal sheet is composed of a single metal sheet.” At least these limitations are not taught by any combination of the cited art.

Endoh describes that “the metal layer 2 is obtained by putting together **the metal substrate 2a and the metal substrate 2b.**” (Endoh, paragraph [0030]). Therefore, the metal layer 2 in Endoh is comprised of **two separate metal sheets** and cannot meet “the metal sheet is composed of a **single metal sheet**” as recited in new claims 33-34.

In view of the above, Applicants submit that the cited fails to anticipate or render obvious each and every limitation as recited in new claims 33-34, and therefore claims 33-34 are allowable.

Double Patenting

Claims 2-3 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 2, 5-6, 9, 11 and 20 of co-pending Application No. 10/579,067. Applicants respectfully traverse this rejection for the reasons detailed below.

Based on a recent check of the Public PAIR system, no claims have been allowed in the 067 application. Applicants respectfully request that the Examiner hold in abeyance the provisional rejection for this application until a Notice of Allowance is mailed for the 067 application.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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